



Town of Tyngsborough
Zoning Board of Appeals
Town Hall-25 Bryants Lane
Tyngsborough, MA 01879-1003
(978) 649-2300, Ext. 115

TYNGSBOROUGH ZONING BOARD OF APPEALS MINUTES

December 10, 2012

APPROVED

Attachments:

1. Meeting Agenda
2. Application to the ZBA for 32 Old Tyng Rd. – Filed 11/15/12

Members Present: Robb Kydd, Chairman
Chris Mechalides, Vice Chairman
Claire Cloutier
Cheryl Bradley
Joseph Polin
Scott Bordeleau
Pamela Berman, Administrative Assistant

6:30pm Meeting was called to order by Chairman R. Kydd

Public Hearing #1

C. Mechalides recused herself from this hearing.

THIRITH HUT – 32 OLD TYNG RD. – Assessor Map 21, Lot 26-0; Request for VARIANCE from the requirements of Section 2.12.50 of the Tyngsborough Zoning By-Law, and a SPECIAL PERMIT under Section 2.15.22 to allow for existing structure to be razed and a new single family home to be constructed in an I-1 Zone. *Advertised in the Lowell Sun Thursday November 29, 2012 and Thursday December 6, 2012.*

Abutters List Present and Complete

S. Bordeleau: Motion to waive the reading of the Abutters List

C. Bradley: 2nd the motion

In Favor: 5 Opposed: 0

Passes: 5-0

Application Presentation by Applicant/Designee:

Applicant Thirith Hut, and contractor Steve Murley appeared before the Board to request a Variance and a Special Permit. Mr. Thirith stated that he took ownership of the home in July of 2012 with the intent of rehabilitating it. There was a fire in the home under the previous ownership and is now in major disrepair and has been vandalized since sitting vacant. He went on to explain that he intends on demolishing the home down to the existing foundation and re-building on the same footprint. The proposed home will be a 2-story home with 3-bedrooms which is a 440 s.f. increase and 9' increase in height. There were no abutters present to speak on this project.

C. Cloutier: Motion to close the public portion of the hearing

J. Polin: 2nd the motion

In Favor: 5 Opposed: 0

Passes: 5-0

Open Discussion by the Board and Q&A to Applicant with Applicant responses

- R. Kydd asked for confirmation on the demolition of the home down to the foundation. Mr. Hut confirmed that and went on to say that the sub-floor would remain as well and the home would be re-built on the same footprint.
- S. Bordeleau commented that the application was well prepared and complete.
- C. Cloutier shared her conversation with Town Counsel saying that it was his opinion that a "Variance" was not required since the home was being built on the same footprint. Mr. Hut felt that he should ask for the Variance too due to the non-conforming lot size.

Review Notes/Comments on Application from other Tyngsborough Departments

Building Commissioner: contractor must meet Stretch Energy Code. Appears to meet intent & spirit of Zoning By-Laws.

Planning Board: None

Board of Health: None

Fire Dept.: entire house must be compliant with current fire regulations upon completion.

Conservation Commission: None

Sewer Dept.: None

Highway Dept.: None

Other (if applicable): None

R. Kydd: Motion to grant a Special Permit for 32 Old Tyng Rd.

C. Bradley: 2nd the motion

In Favor: 5 Opposed: 0

Passes Unanimous: 5-0

R. Kydd: Motion to grant a Variance for 32 Old Tyng Rd.

S. Bordeleau: 2nd the motion

In Favor: 5 Opposed: 0

Passes Unanimous: 5-0

Motion written as follows:

THIRITH HUT – 32 OLD TYNG ROAD: Assessors Map 21, Lot 26; request for a Variance for requirements of Zoning By-Laws for square footage in an I-1 Zone, from required 80,000 sq.ft. to 33,010 sq. ft. and for a Special Permit under Section 2.15.22 to raze existing structure down to the foundation and subfloor only, and construct new 26' x 32' 2-story colonial with approved setbacks as shown on plan view dated 9/12/12.

OTHER BUSINESS

1. Review Planning Board request for comment: 95-97 Westford Rd. (dba, Mobil) Special Permit

Board noted concerns with the exit, parking and drive-thru queue line, and suggested that a traffic study might be beneficial and noted as such on the comment form to the Planning Board.

REPORTS/DISCUSSION

1. Applicant Applications

The Board discussed potential improvements to the application process.

2. Rules & Regulations for Variances and Special Permits – Proposed Guidance Document

Administrative Assistant Pamela Berman developed a guidance document that would assist potential applicants with the ZBA filing process. The Board will review it and work together to develop a user friendly document that will benefit both Board members and applicants.

ADMINISTRATIVE

1. Minutes: No minutes were ready for approval.

2. New Business:

- Pamela Berman has joined the Board as the Administrative Assistant. She will be facilitating all administrative aspects of the ZBA including office support and meetings.
- J. Polin suggested that in lieu of the new medical marijuana statute in Massachusetts, the Town of Tyngsborough should consider developing a by-law that will protect the citizens.
- R. Kydd reported that he has learned of a new potential 40B project that is being developed for a piece of land on Middlesex Road. More information will be forthcoming once it is available.
- 3. Next meeting is scheduled for: January 10, 2013

7:50pm

S. Bordeleau: Motion to adjourn

R. Kydd: 2nd the motion

In Favor: 5 Opposed: 0

Passes: 5-0

Minutes respectfully submitted by
Pamela Berman, ZBA Administrative Assistant